



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,922	04/26/2000	John Albert Kembel	10351-0004	1665

7590 03/23/2004
INNOVATION MANAGEMENT SCIENCES
47787 FREMONT BOULEVARD
FREMONT, CA 94538

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 03/23/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,922

Applicant(s)

KEMBEL ET AL.

Examiner

Chau Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Response to Office Action, filed on 12/05/2003, has been entered. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Arlach et al. (D'Arlach), U.S. Patent No. 6,026,433.
4. As to claims 7 and 11, D'Arlach discloses a method of hosting Internet content, comprising:

Art Unit: 2176

permitting access to a database containing a plurality of definitions, where said plurality of definitions define a frame and a location of content with which to fill in said frame (col. 5, lines 1-25, Fig. 4, and col. 7, lines 11-25);

receiving instructions to modify a selected definition of said plurality of definition (col. 5, line 66 – col. 6, line 43); and

modifying said selected definition to create a new selected definition (col. 5, line 66 – col. 6, line 43).

5. As to claim 8, D'Arlach discloses a method for hosting Internet content, comprising:

requesting an empty definition from a database, where said empty definition defines a basic frame which is capable of being filled with content (col. 5, lines 1-25, Fig. 4, and col. 7, lines 11-25 and col. 8, lines 36-59 and Fig. 8: style templates (plurality of definitions) are stored in the server computer as database files and consist of a set of objects or elements stored in the database; Fig. 8 shows style templates (definitions) 804 and 806 which contain frames and locations of content in the style templates.);

receiving said empty definition from said database (col. 5, lines 34-46: user selects a template (definition) stored in the database of the server);

modifying said empty definition to a desired form, including supplying a location for content with which to fill in said frame (col. 6, lines 1-20: editing an element and its attributes in a template or a page in a site)

Art Unit: 2176

transmitting said modified definition to said database (col. 6, lines 1-20: after editing the template, the user submits the changes to the server which processes the data and updates the database).

6. As to claim 9, D'Arlach discloses the step of publishing said definition to facilitate the downloading of said definition (col. 5, lines 1-25).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann, U.S. Patent No. 5,995,756, and further in view of Prithviraj et al. (Prithviraj), U.S. Patent No. 5,987,513.

9. As to claims 1 and 10, Herrmann discloses a method of hosting Internet content, comprising:

Art Unit: 2176

receiving an address of a definition from a computing device (col. 11, lines 11-25);

locating said definition in a database utilizing said address (col. 11, lines 11-25);
and

transmitting said definition to said computing device (col. 11, lines 11-25).

However, Herrmann does not disclose wherein said definition defines a frame and a location of content with which to fill in said frame. In the same field of endeavor, Prithviraj discloses designer specifies network management actions in page-specification documents, and then translates the page-specifications into hypertext documents and templates (definitions) including dynamic fields, which store data dynamically retrieved from the network (col. 11, lines 35-65 and Fig. 5). Since Prithviraj teaches a network management system which enables a user to manage a network using browsers available on remote computer systems, which is similar to system for internet-based delivery of computer applications of Herrmann, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include definitions defines a frame and a location of content with which to fill in said frame. Prithviraj suggests template documents used for display of data dynamically retrieved from the network elements.

10. As to claim 2, Herrmann and Prithviraj (Herrmann-Prithviraj) disclose the steps of receiving a modification of said definition from said computing device and storing said

Art Unit: 2176

modification in said database (Prithviraj, col. 3, lines 49-57 and col. 24, lines 29-60: sending the modified hypertext document to the remote computer system so that the browser may display the hypertext). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include the steps of receiving modification of the definition from said computing device and storing said modification in said database so the user can get up-to-date information.

11. As to claim 3, Herrmann-Prithviraj disclose the step of publishing said definition so that said definition is capable of being downloaded to said computing device (Prithviraj, col. 11, line 35 – col. 12, line 28 and Fig. 5: user can access the hypertext documents from any of several remote machine using a browser). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include said definition is capable of being downloaded to said computing device in order to allow user can access/manage the definition from anywhere using a browser.

12. As to claim 4, Herrmann-Prithviraj disclose the step of delivering a set of instructions to said client computer comprising:

instructions for requesting content from another computing device (Prithviraj, col. 13, lines 5-12);

instructions for generating a frame (Prithviraj, col. 15, lines 27-40); and

instructions for filling said frame with said requested content, where said instructions utilize said received definition ((Prithviraj, col. 13, lines 14-26).

Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include definitions defines a frame and a location of content with which to fill in said frame. Prithviraj suggests template documents used for display of data dynamically retrieved from the network elements.

13. As to claim 5, Herrmann-Prithviraj disclose the steps of creating a share file containing at least one of said definition; and delivering said share file to another computing device (Prithviraj, col. 11, line 35 – col. 12, line 28: translating page specification documents (definitions) into one or more hypertext document). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include a share file and delivering the share file to another computing device, therefore, the share file is an enhancive document which would provide a simple user interface to manage the network.

14. As to claim 6, Herrmann-Prithviraj disclose wherein said receiving step includes the step of receiving an address of a definition specifying complete attributes of said frame and a uniform resource locator pointing to a location at which content resides for positioning within said frame (Herrmann, col. 11, lines 11-25).

Response to Arguments

In the remarks, Applicant argued in substance that

(A) Prior art does not teach or suggest “said definition defines a frame and a location of content with which to fill said frame” and “locating said definition in a database using said address”.

As to point (A), Herrmann discloses receiving an address of a definition from a computing device (col. 5, lines 11-26: a user may type a URL address (address of a definition) into the browser or click on a hyperlink); locating said definition in a database utilizing said address (col. 11, lines 11-25, and col. 7, line 49 – col. 8, line 8: the URL address includes content data for the URL stored in the server (database)). However, Herrmann does not disclose wherein said definition defines a frame and a location of content with which to fill in said frame. In the same field of endeavor, Prithviraj discloses designer specifies network management actions in page-specification documents, and then translates the page-specifications into hypertext documents and templates (definitions) including dynamic fields, which store data dynamically retrieved from the network (col. 11, lines 35-65 and Fig. 5). Since Prithviraj teaches a network management system which enables a user to manage a network using browsers available on remote computer systems, which is similar to system for internet-based delivery of computer applications of Herrmann, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of

Art Unit: 2176

Herrmann and Prithviraj to include definitions defines a frame and a location of content with which to fill in said frame. Prithviraj suggests template documents used for display of data dynamically retrieved from the network elements.

(B) There is no motivation to modify the teachings of Herrmann patent with the teachings of Prithviraj.

As to point (B), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Examiner pointed out the missing elements from Herrmann reference, which is "wherein said definition defines a frame and a location of content with which to fill in said frame ". Prithviraj reference teaches designer specifies network management actions in page-specification documents, and then translates the page-specifications into hypertext documents and templates (definitions) including dynamic fields, which store data dynamically retrieved from the network (col. 11, lines 35-65 and Fig. 5). Since Prithviraj teaches a network management system which enables a user to manage a network using browsers available on remote computer systems, which is

Art Unit: 2176

similar to system for internet-based delivery of computer applications of Herrmann, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include definitions defines a frame and a location of content with which to fill in said frame. Prithviraj suggests template documents used for display of data dynamically retrieved from the network elements.

(C) Prior art does disclose a database containing a plurality of definitions, where said plurality of definitions define a frame and a location of content with which to fill in said frame.

As to point (C), D'Arlach discloses in col. 5, lines 1-25, Fig. 4, and col. 7, lines 11-25 and col. 8, lines 36-59 and Fig. 8: style templates (plurality of definitions) are stored in the server computer as database files and consist of a set of objects or elements stored in the database; Fig. 8 shows style templates (definitions) 804 and 806 which contain frames and locations of content in the style templates.

15. Applicant's arguments filed 12/05/2003 have been fully considered but they are not persuasive. Please see the rejection and response to arguments above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20131

Or Faxed to:

(703) 872-9306, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

Or:

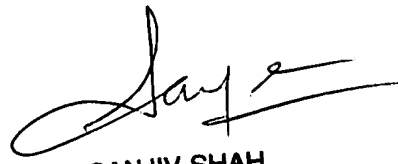
(703) 746-7240 (for **informal or draft communications**, please label
"PROPOSED" or "DRAFT").

Or:

(703) 872-9306 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2176



SANJIV SHAH
PRIMARY EXAMINER